

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 FEA-01 ACDA-07 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 EPG-02 COME-00
DLOS-09 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05
FMC-01 TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00
L-03 NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01
PM-04 PRS-01 SP-02 SS-15 USIA-06 /125 W
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R 121430Z JUL 77
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TO SECSTATE WASHDC 4060
INFO AMEMBASSY BONN
AMEMBASSY COPENHAGEN
AMEMBASSY MOSCOW
AMEMBASSY STOCKHOLM
USMISSION NATO
AMEMBASSY PARIS
AMEMBASSY LONDON

C O N F I D E N T I A L OSLO 3225

DEPT PASS DOC

E.O. 11652: GDS
TAGS: EFIS, UR, NO
SUBJ: ANALYSIS OF SOVIET NOTE ON SVALBARD FISHERY ZONE

REF: OSLO 3187

1. BEGIN SUMMARY: IN THEIR RECENT PROTEST NOTE THE SOVIETS
HAVE TAKEN A CONSIDERABLY TOUGHER LINE ON THE GON'S SVALBARD
FISHERIES PROTECTION ZONE THAN THEY DID IN THEIR EARLIER ORAL
DEMARCHÉ. THE SOVIETS HAVE NOT ONLY MADE THEIR PROTEST MORE
FORMAL, THEY HAVE BROADENED IT BEYOND PURELY FISHERIES ISSUES
AND HAVE PUT THE GON ON NOTICE THAT THEY WILL PROTECT NOT JUST
SOVIET TREATY RIGHTS BUT ALSO THEIR OTHER INTERESTS IN THE NORTHERN
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AREA.
END SUMMARY.

2. THE EMBASSY HAS ANALYZED THE MOST RECENT SOVIET PROTEST
NOTE ON THE SVALBARD FISHERIES PROTECTION ZONE (FPZ). THE
TEXT OF THE SOVIET NOTE WAS TRANSMITTED IN OSLO 3187. ALL KEY
MFA CONTACTS DEALING WITH THIS SUBJECT ARE ON VACATION, SO WE

ARE STILL NOT AWARE OF WHAT ADDITIONAL POINTS MAY HAVE BEEN MADE ORALLY BY THE SOVIET AMBASSADOR WHEN HE DELIVERED THE NOTE TO FOREIGN MINISTER FRYDENLUND LAST MONTH. HOWEVER, BY COMPARING THE TEXT OF THE RECENT SOVIET NOTE WITH THEIR EARLIER DEMARCHE ON THE SAME SUBJECT (SEE OSLO 105 OF JAN 7) SEVERAL THINGS BECOME IMMEDIATELY CLEAR.

3. IN JANUARY THE THRUST OF THE SOVIET DEMARCHE (WHICH WAS DELIVERED ORALLY) WAS ON THE EFFECT THE NORWEGIAN PLAN WOULD HAVE ON THE FISHERIES IN THE BARENTS SEA. THE SOVIETS REFERRED IN PASSING TO THE UNILATERAL AND TREATY-RELATED ASPECTS OF THE GON PLAN FOR AN FPZ BUT THEY EMPHASIZED THEIR TRADITIONAL FISHING ACTIVITIES IN THE AREA AND THE ECOLOGICAL IMPORTANCE OF TREATING THE AREA'S LIVING RESOURCES AS A SINGLE ENTITY. THUS, TWO OF THE THREE POINTS THE SOVIETS MADE IN THEIR JANUARY DEMARCHE WERE RELATED ALMOST ENTIRELY TO FISHING. THE SVALBARD

TREATY FIGURED ONLY BRIEFLY IN PASSING. ADDITIONALLY, IN THE JANUARY DEMARCHE, THE SOVIETS MERELY NOTED THAT THEY HOPED THE NORWEGIANS WOULD TAKE INTO ACCOUNT THEIR POINTS AND BEAR IN MIND THE FRIENDLY RELATIONS BETWEEN THE TWO GOVERNMENTS. THERE WAS NO TOUGH TALK.

4. IN SUM THE JANUARY PROTEST WAS "FAIRLY MILD" AS THE GON SAW IT. WE AGREE, AND JUDGE THAT THE TONE PROBABLY REFLECTED THE SOVIET HOPE THAT THE GON COULD STILL BE DEFLECTED FROM ALL CONFIDENTIAL

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OR PART OF ITS PLAN TO INTRODUCE AN FPZ. THE TONE ALSO REFLECTED THE BETTER STATE OF RELATIONS BETWEEN THE TWO COUNTRIES WHICH OBTAINED IN EARLY 1977. FINALLY, THE EMPHASIS OF THE JANUARY DEMARCHE ON FISHERIES SUGGESTS THE POSSIBILITY THE SOVIETS HAD EITHER NOT FORESEEN THE NON-FISHING ASPECTS OF THE PLAN OR HAD SEEN THEM BUT DID NOT WANT TO INSERT THEM INTO THEIR BILATERAL DISCUSSIONS WITH THE NORWEGIANS AT THAT TIME.

5. THE JUNE 15TH SOVIET DIPLOMATIC NOTE CONTRASTS WITH THE JANUARY DEMARCHE IN ALMOST EVERY RESPECT. NOW IT IS THE SVALBARD TREATY AND THE ASSUMED SOVIET RIGHTS UNDER IT WHICH LOOM LARGE IN THE SOVIET PROTEST. THE PREVIOUS EMPHASIS ON FISHERIES IS GONE, AND THE TONE IS AUSTERE.

6. MOREOVER, IN THE JUNE NOTE THE SOVIETS HAVE SIGNIFICANTLY BROADENED THEIR DISAGREEMENT WITH THE NORWEGIAN PLAN IN SEVERAL WAYS. FIRST, THEY REFER, IN ADDITION TO SOVIET RIGHTS IN THE AREA, TO SOVIET "INTERESTS." SECONDLY, THE SOVIETS STATE CLEARLY THAT THE ISSUE RAISED BY THE FPZ "GOES BEYOND THE REALM OF FISHERIES ISSUES PER SE." FINALLY, THE SOVIETS REFER TO THE PLAN AS A "FURTHER" EFFORT TO ILLEGALLY EXTEND NORWAY'S RIGHTS IN THE AREA. ALTHOUGH THE NOTE DOES NOT SPECIFY WHAT PREVIOUS

ILLEGAL NORWEGIAN STEPS THE SOVIETS HAVE IN MIND, THE REFERENCE IS PRESUMABLY TO THE ENTIRE COMPLEX OF ISSUES SURROUNDING NORWAY'S EFFORTS OVER THE LAST YEARS TO ASSERT ITS SOVEREIGNTY ON SVALBARD BY A MORE RIGOROUS APPLICATION OF NORWEGIAN LAWS AND REGULATIONS THERE. THE SOVIETS' POSITION ON A NUMBER OF THESE REGULATIONS HAS BEEN THAT THE NORWEGIANS, AS A MATTER OF PRINCIPLE, DO NOT HAVE THE RIGHT TO IMPOSE THEM ON TREATY SIGNATORIES. THUS, THE MOST RECENT SOVIET NOTE, ALTHOUGH ITS IMPETUS WAS SUPPLIED BY THE SVALBARD FPZ, APPEARS TO REFLECT SOVIET UNEASE WITH NORWAY'S EVOLVING TOUGHER LINE ON SVALBARD IN GENERAL.

7. ABSENT IN THE JUNE NOTE IS THE FRIENDLY TONE OF THE JANUARY DEMARCHE. NOW THE SOVIETS CLEARLY PUT THE NORWEGIANS ON NOTICE
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THAT THE SOVIETS WILL "TAKE APPROPRIATE STEPS" TO PROTECT NOT JUST THEIR RIGHTS BUT THEIR INTERESTS TOO.

8. WE WOULD GUESS THAT THE STIFFER TONE AND BROADER IMPLICATION OF THE JUNE NOTE REFLECT: A) THE SOVIETS' AWARENESS THAT THEY COULD NOT LONGER HOPE TO DISSUADE THE NORWEGIANS FROM INTRODUCING AN FPZ; B) THE SOVIETS' RECOGNITION THAT MORE THAN JUST FISHERY RIGHTS ARE POTENTIALLY INVOLVED IN ALLOWING THE NORWEGIANS TO ASSERT NATIONAL JURISDICTION IN THE ZONE AROUND SVALBARD; AND C) THE CONSIDERABLE DETERIORATION IN BILATERAL RELATIONS BETWEEN JANUARY AND JUNE OF THIS YEAR.

9. WE WILL SEEK THE GON'S VIEWS ON THE SOVIET NOTE AND POSSIBLE NEXT STEPS AS OUR MFA CONTACTS RETURN FROM THEIR VACATIONS OVER THE WEEKS AHEAD.
BREMER

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